

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Keith Biggadike et al.

Serial. No.: 10/533,168

International Filing Date: October 30, 2003

Confirmation No.: 9215

Title: *Phenylethanolamine Derivatives for the Treatment of Respiratory Diseases*

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**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Sir:

This paper is in response to Notice of Abandonment dated January 22, 2008.

**REMARKS**

A Notification of Abandonment stating the reason for abandonment as "failure to respond to the notification of MISSING REQUIREMENTS mailed March 8, 2006 within the time period set therein."

Applicants attach herewith a copy of the Response to Notification of Missing Requirements filed by facsimile on March 29, 2006 along with the facsimile confirmation and Auto Reply Facsimile Transmission. Such a response was clearly timely.

Applicants submit that the Notice of Abandonment was in error. Accordingly, such a Notice should be withdrawn and the application forwarded to an Examiner for examination.

Respectfully submitted,

/Robert J. Smith/  
Robert J. Smith  
Attorney for Applicant  
Registration No. 40,820

Date: January 24, 2008  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive  
P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Phone: 919-483-9616  
Facsimile: 919-483-7977

Enclosures:

- 1) Applicants' response to Notification of Missing Requirements
- 2) Auto Reply Facsimile Transmission

# Auto-Reply Facsimile Transmission



TO:

Fax Sender at 919 483 7977

Fax Information

Date Received:

3/29/2006 2:18:50 PM [Eastern Standard Time]

Total Pages:

19 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

=====>

NXP-79-2006 14124 Return		919 483 7977	To:USPTO	P.1
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**FAX**

To: DOEDUS

Company: USPTO

Fax: 971-271-3201

From: Patrick Wilson

Tel: 1-919-483-1887; Facsimile: 1-919-483-7386

E-mail: patrick.wilson@esk.com

Date: March 28, 2006 Pages including cover: 19

Subject: Response to Notification of Missing Requirements

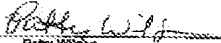
Re: Application of Biogentec et al.  
 Serial No.: 10/933,163; Int'l. Appl. No.: PCT/EP03/1218  
 Title: *Phenylethanolamine Derivatives for the Treatment of Respiratory Diseases*  
 Attorney Docket No.: PG59196W

Attached is:


1. Transmittal Letter (is duplicate)
2. Declaration
3. Copy of Notification of Missing Requirements under 35 USC 37, date mailed 3/8/2006
4. Power of Attorney and Change of Correspondence Address
5. Statement under 37(c)
6. Corporate Resolution

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (fax No.: 971-271-3201) on March 28, 2006.

  
 Patrick Wilson

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other use is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.



GlenSmithKline

Skoll Center  
 PO Box 19088  
 One Moore Drive  
 Research Triangle Park  
 North Carolina 27709

Tel: 919 483 2100  
 www.esk.com

# Message Confirmation Report

MAR-29-2006 02:30 PM WED

Fax Number : 919 483 7977  
Name : GSK

Name/Number : 915712733201  
Page : 19  
Start Time : MAR-29-2006 02:24PM WED  
Elapsed Time : 05'19"  
Mode : STD ECM  
Results : [O.K.]

## FAX



GlaxoSmithKline

To : DOREOUS  
Company : USPTO  
Fax : 571-273-3201  
From : Patricia Wilson  
Tel : 1-919-483-1007; Facsimile: 1-919-483-7988  
E-mail : patricia.t.wilson@gsk.com  
Date : March 28, 2006 Pages including cover : 17  
Subject : Response to Notification of Missing Requirements

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
www.gsk.com

Re: Application of Biggadike et al.  
Serial No.: 10/533,168; Int'l. Appl. No.: PCT/EP03/12181  
Title: *Phenylethanolamine Derivatives for the Treatment of Respiratory Diseases*  
Attorney Docket No. PG50195W

### Attached is:

1. Transmittal Letter (in duplicate)
2. Declaration
3. Copy of Notification of Missing Requirements under 35 USC 371, date mailed 3/8/2006
4. Power of Attorney and Change of Correspondence Address
5. Statement under 3.73(b)
6. Corporate Resolution

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Patty Wilson

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**FAX**



GlaxoSmithKline

To DO/EO/US

Company USPTO

Fax 571-273-3201

From Patricia Wilson

Tel 1-919-483-1007; Facsimile: 1-919-483-7988

E-mail patricia.t.wilson@gsk.com

Date March 29, 2006 Pages including cover 17

Subject Response to Notification of Missing Requirements

GlaxoSmithKline  
PO Box 13398  
Five Moore Drive  
Research Triangle Park  
North Carolina 27709

Tel: 919 483 2100  
www.gsk.com

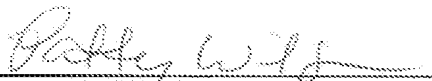
Re: Application of Biggadike et al.  
Serial No.: 10/533,168; Int'l. Appl. No.: PCT/EP03/12161  
Title: *Phenylethanolamine Derivatives for the Treatment of Respiratory Diseases*  
Attorney Docket No. PG5019Sw

Attached is:

1. Transmittal Letter (in duplicate)
2. Declaration
3. Copy of Notification of Missing Requirements under 35 USC 371, date mailed 3/8/2006
4. Power of Attorney and Change of Correspondence Address
5. Statement under 3.73(b)
6. Corporate Resolution

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response to Notification of Missing Requirements is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-3201) on March 29, 2006.

  
Patty Wilson

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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

PG5019USw

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/533,168

INTERNATIONAL APPLICATION NO.  
PCT/EP03/12161INTERNATIONAL FILING DATE  
October 30, 2003PRIORITY DATE CLAIMED  
November 1, 2002

## TITLE OF INVENTION

PHENYLETHANOLAMINE DERIVATIVES FOR THE TREATMENT OF RESPIRATORY DISEASES

## APPLICANT(S) FOR DO/EO/US

Keith BIGGADIKE, Keith BLAKE, Diane Mary COE, Duncan Stuart HOLMES, Panayiotis Alexandrou PROCOPIOU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☒ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/533,168		PCT/EP03/12161		PG5019USw	
23. Other items or information: Statement under 37 CFR 3.73(b) Corporate Resolution					
The following fees have been submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee				\$300	\$
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article				\$0	\$
All other situations.				\$200	
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).				\$0	\$
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.				\$100	\$
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.				\$400	
All other situations.				\$500	
TOTAL OF 24, 25 and 26 =				\$	\$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0	/50 =	0	x \$250.00	\$
				\$	\$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	\$0.00
SUBTOTAL =				\$	\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$130.00
				Amount to be	\$
				Amount to be	\$

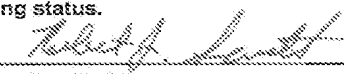
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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 07-1392 in the amount of \$ \$130.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

23347

  
SIGNATURE

Robert J. Smith

NAME

40,820

REGISTRATION NUMBER

2-29-06

DATE



# TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

PG5019USw

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/533,168

INTERNATIONAL APPLICATION NO.

PCT/EP03/12161

INTERNATIONAL FILING DATE

October 30, 2003

PRIORITY DATE CLAIMED

November 1, 2002

TITLE OF INVENTION

PHENYLETHANOLAMINE DERIVATIVES FOR THE TREATMENT OF RESPIRATORY DISEASES

APPLICANT(S) FOR DO/EO/US

Keith BIGGADIKE, Keith BLAKE, Diane Mary COE, Duncan Stuart HOLMES, Panayiotis Alexandrou PROCOPIOU

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3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
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U.S. APPLICATION NO (if known, see 37 CFR 1.6)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/533,168		PCT/EP03/12161		PG5019USw	
23. Other items or information: Statement under 37 CFR 3.73(b) Corporate Resolution					
The following fees have been submitted:				CALCULATIONS PTO USE	
24. <input type="checkbox"/> Basic national fee . . . . . \$300				\$	\$0.00
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If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0				\$	\$0.00
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Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
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TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	\$0.00
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Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$	\$0.00
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Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$130.00
				Amount to be	\$
				Amount to be	\$

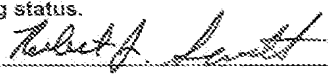
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A duplicate copy of this sheet is enclosed.
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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SIGNATURE

Robert J. Smith

NAME

40,820

REGISTRATION NUMBER

3-29-06

DATE

COPIED TO THELY



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1456  
 Alexandria, Virginia 22313-1456  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,168	Keith Biggadike	PG5019USw

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP03/12161

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

10/30/2003

11/01/2002

23347  
 GLAXOSMITHKLINE  
 CORPORATE INTELLECTUAL PROPERTY, MAI B475  
 FIVE MOORE DR., PO BOX 13398  
 RESEARCH TRIANGLE PARK, NC 27709-3398

CONFIRMATION NO. 9215

371 FORMALITIES LETTER



\*OC000000018197417\*

MAR 15 2006

Date Mailed: 03/08/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/29/2005
- Copy of the International Search Report filed on 04/29/2005
- Copy of IPE Report filed on 04/29/2005
- Preliminary Amendments filed on 04/29/2005
- Information Disclosure Statements filed on 04/29/2005
- U.S. Basic National Fees filed on 04/29/2005
- Priority Documents filed on 04/29/2005
- Specification filed on 04/29/2005
- Claims filed on 04/29/2005
- Abstracts filed on 04/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Docket No: PG5019 USW  
 Attorney: RTS / SCH  
 Paper: Declaration w/ fees  
 Due Date: 08 May 2006  
 Deadline: 08 OCT 2006  
 Recorded: 07

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
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